

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANTHONY DIBENEDETTO, et al.,

Plaintiffs,

v.

THE STOP & SHOP SUPERMARKET
COMPANY LLC, et al.,

Defendants.

Civil Action No. 14-7511 (MAS) (TJB)

MEMORANDUM ORDER

This matter comes before the Court on Defendants The Stop & Shop Supermarket Company LLC (“Stop & Shop”) and Kelly Robicheau’s (collectively, “Defendants”) motion for reconsideration, pursuant to Local Civil Rule 7.1(i), of the Court’s December 23, 2014 Order (ECF No. 6), which remanded the action to state court pursuant to 28 U.S.C. § 1447(c). (ECF No. 10.) On December 1, 2014, Stop & Shop removed the case to federal court. (ECF No. 1.) Three days later, Plaintiffs filed correspondence (ECF No. 3) asserting that the matter should be remanded. *See* § 1447(c) (“A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction must be made within 30 days after the filing of the notice of removal . . .”). On December 9, 2014, the Court issued an Order to Show Cause why the action should not be remanded for failure to comply with removal procedures or for lack of jurisdiction. (ECF No. 5.) After reviewing Stop & Shop’s response to the Court’s Order to Show Cause, the Court remanded the action pursuant to § 1447(c), for failure to comply with the removal procedures set forth in § 1446(b)(2)(a). (ECF No. 8.)

Defendants’ motion for reconsideration is denied. “The general rule is that a district court loses jurisdiction over a case once it has completed the remand by sending a certified copy

of the remand order to the state court.” *Trans Penn Wax Corp. v. McCandless*, 50 F.3d 217, 225 (3d Cir. 1995). Accordingly, the Court may not reconsider its decision. *See id.* Since the Court had already mailed a certified copy of the remand order to the state court at the time Defendants filed the instant motion, and no other exception applies, the Court lacks jurisdiction to reconsider its remand decision.

Accordingly, for the reasons set forth above, and other good cause shown,

IT IS on this 2nd day of May 2015, **ORDERED** that Defendants’ motion for reconsideration (ECF No. 10) is **DENIED**.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE